

As between vendor and vendee, mortgagor and mortgagee, and as regards the mere question of the title of the defendant, *land*, in the legal signification, comprehends all ground, soil, or earth whatever; all minerals are, in this sense, component parts of land; and it comprehends tide-water rivers, lakes, and running streams, as so much land covered with water; it includes all houses, fences, and structures upon the ground; and it also embraces all vegetable productions, as trees, herbage, grass, &c., standing upon and growing out of the soil. (*u*) If either the owner of the fee simple, a particular tenant, or even a wrong doer builds a house, or annexes to a house then standing upon the land any glass windows, wainscot, benches, doors, vats, furnaces, or the like, they are thereby immediately blended with the land itself, become parcel of it, and vest in the owner of the inheritance. (*w*) All these things are embraced by the phrase *land*, in the legal and comprehensive sense of that term; and being so considered as real estate, can only be taken in execution and sold under this statute; and therefore, as such, are bound by the lien consequent upon a judgment against the owner of the inheritance. (*x*)

But this general rule of law has been considerably relaxed in favour of tenants, and of executors and administrators in England, where land is not liable to be taken in execution and sold by creditors, with a view, as against the heir or owner of the inheritance, to have the fund for the payment of debts extended as much as possible, and also for the public good. (*y*)

There are some modes by which a tenant may rest a structure upon the land, which precludes the inferences that it was intended to be an annexation to the inheritance; as in the case of the barn erected upon pattens. (*z*) And it has been held, that a tenant may take away, during the term, things which he himself affixed to the premises for the purposes of his trade and manufactures; such as furnaces, coppers, salt pans, steam engines, cider mills, a varnish house and the like; and besides these mere trade fixtures, such others as he has put up at his own expense, for the ornament and furniture of his house; as hangings, pier glasses nailed to the

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(*u*) Co. Litt. 4.—(*w*) Co. Litt. 53; *Herlakenden's case*, 4 Co. 62.—(*x*) *Ryall v. Rolle*, 1 Atk. 175; *Ex parte Quincy*, 1 Atk. 477; *Steward v. Lombe*, 5 Com. Law Rep. 167; *Winn v. Ingilby*, 7 Com. Law Rep. 214; *Colegrave v. Dias Santos*, 9 Com. Law Rep. 30; *Am. and Fer. Fixtures*, ch. 5; *Bradley v. Osterhoudt*, 13 Johns. 404; *Kirwan v. Latour*, 1 H. & J. 289.—(*y*) *Lawton v. Lawton*, 3 Atk. 13.—(*z*) *Elwes v. Maw*, 3 East. 38.